

**Notice of Allowability**

Application No.

10/810,068

Examiner

Michael J. Simitoski

Applicant(s)

DAVIS ET AL.

Art Unit

2134

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 9/11/2006.
2. ☒ The allowed claim(s) is/are 1-12 and 20-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

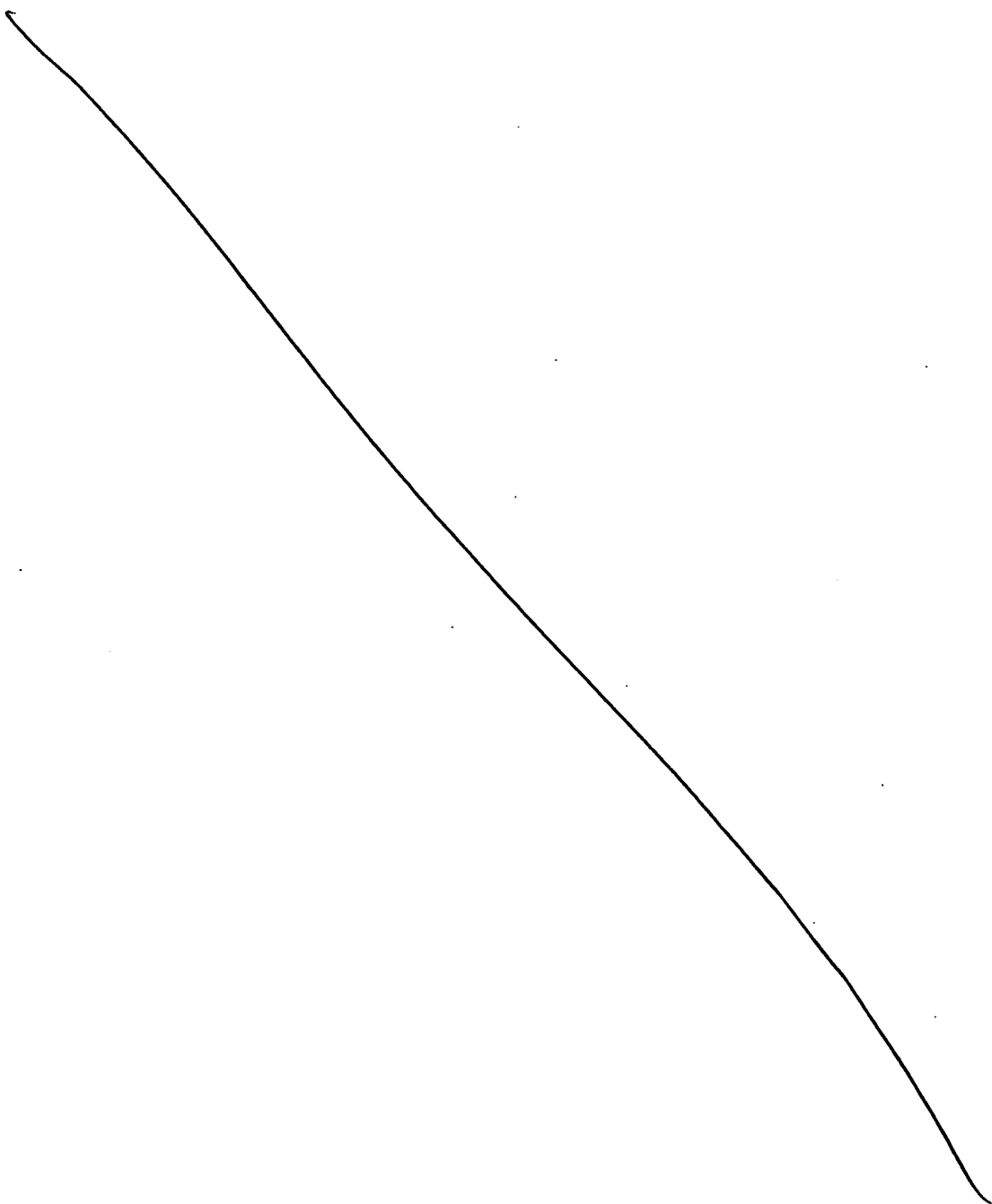
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

**DETAILED ACTION**

1. The response of 9/11/2006 was received and considered.
2. Claims 1-12 & 20-38 are pending.
3. Claims 31-38 are withdrawn.
4. An Examiner's amendment begins on p. 2 of this paper.



### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

5. This application is in condition for allowance except for the presence of claims 31-38 directed to an invention non-elected without traverse. Accordingly, claims 31-38 been cancelled.

The application has been amended as follows:

Please cancel claims 31-38.



*Allowable Subject Matter*

6. Claims 1-12 & 20-30 allowed.

7. The following is an examiner's statement of reasons for allowance:

Regarding claims 1 & 20, U.S. Patent Application Publication 2005/0138353 to Spies et al. (**Spies**) discloses receiving data including a message with a protected/encrypted portion (Fig. 6), a publishing license/encrypted symmetric message key (¶47) and a message server use license/encrypted symmetric message key (¶47), the protected portion of the message controlled by a rights management server/sender (¶47) (or private key generator, ¶95), the publishing license/encrypted symmetric message key (¶47) defining one or more principals' rights to the protected portion of the message (right to read) (¶47), and the message server use license/encrypted symmetric message key (¶47) comprising an encrypted key that corresponds to an entity's/organization's message server/gateway (¶47 & ¶56), using the message server use license/encrypted symmetric message key (¶47) to access the protected portion of the message for performing operations/virus scan on the protected portion in accordance with message policies defined by the entity/organization (¶56) and making the message and the publishing license available (forwarding) to the one or more principals (¶56) when the protected portion of the message conforms to the message policies defined by the entity (¶56 & ¶¶93-94).

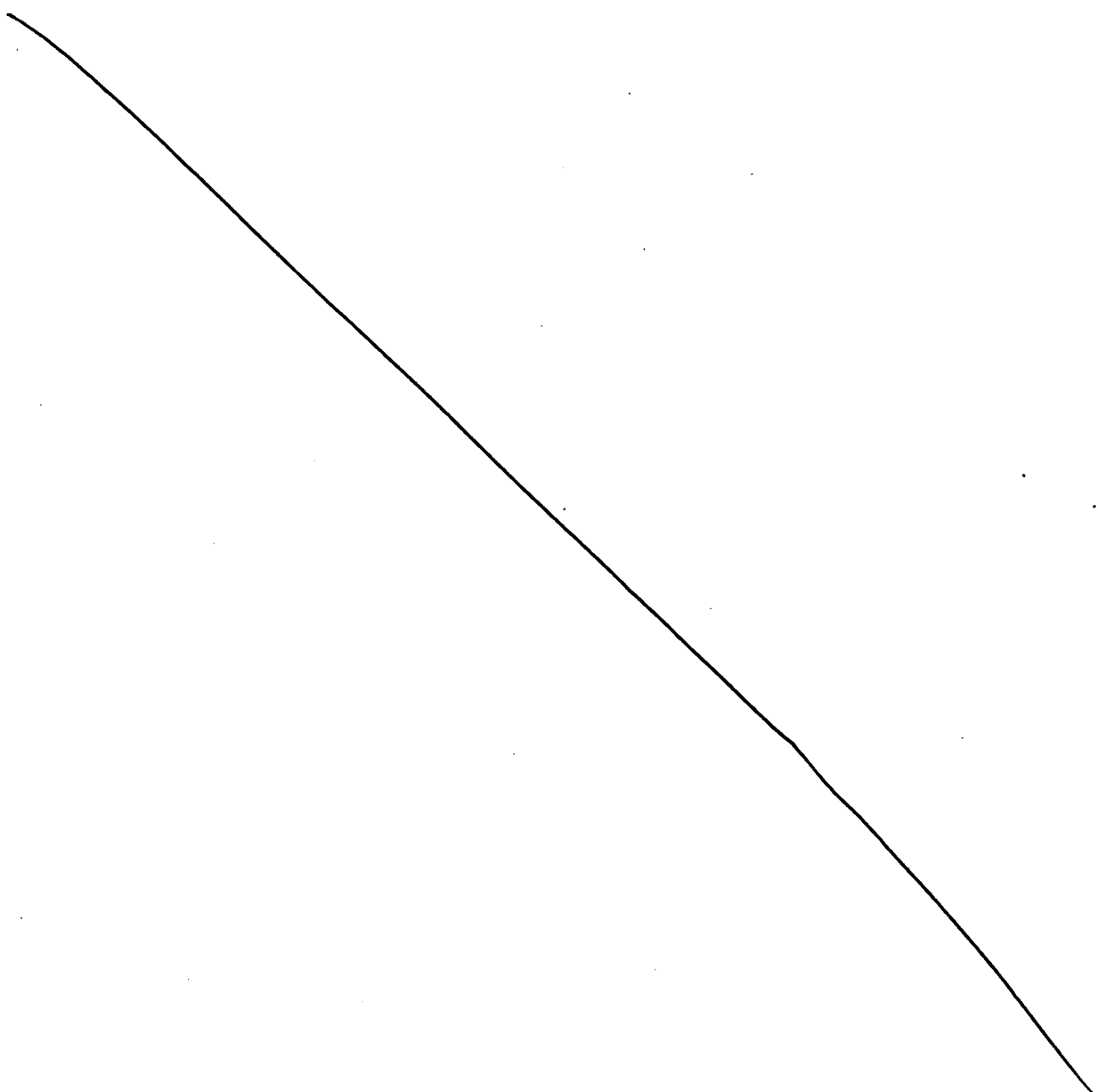
8. However, the prior art relied upon fails to teach or suggest both a message server use license and a publishing license, wherein the message server use license is used, at the entity's message server, for performing operations on the protected portion of the message in accordance with policies defined by the entity and the separate publishing license is made available to the

Art Unit: 2134

entity when the protected portion of the message conforms to the message policies defined by the entity, in combination with the other elements of the claims.

9. Claims 2-12 & 21-30 are allowed based on their dependence upon an allowed claim.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m..

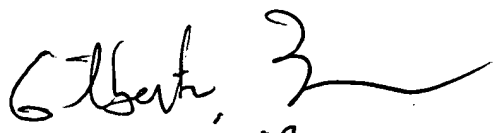
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJS



November 9, 2006

  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER